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U.S. DISTRICT COURT, E.D.N.Y.

★ MAY 12 2006 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BRIAN SALER,

Plaintiff,

-against-

ROSALYN EBRAHIMOFF, individually and in her
official capacity as Referee of the Family Court of the State
of New York,

Defendant.

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05-CV-3359 (ARR)(LB)

NOT FOR
ELECTRONIC OR PRINT
PUBLICATION

ORDER

ROSS, United States District Judge:

I have received the Report and Recommendation on the instant case, dated April 27, 2006, from the Honorable Lois Bloom, U.S. Magistrate Judge. No objections have been filed. Having conducted a de novo review of the record, I hereby adopt the Report and Recommendation as the opinion of the court pursuant to 28 U.S.C. § 636(b)(1).

Defendant's motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure is therefore granted because plaintiff's complaint fails to state a claim upon which relief can be granted. Additionally, plaintiff's motion for a more definite statement and request for judicial notice are denied as moot.

Plaintiff's complaint is therefore dismissed with prejudice. The Clerk of the Court is directed to enter judgment accordingly.

SO ORDERED.


Allyne R. Ross
United States District Judge

Dated: May 16, 2006
Brooklyn, New York

SERVICE LIST:

Plaintiff

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cc: Magistrate Judge Lois Bloom